

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

CARL BENTLY MARION II,

Plaintiff,

v.

EDGAR OREGEL, et al.

Defendants.

Case No. 1:24-cv-00872-KES-SKO

**ORDER APPROVING SUBSTITUTION  
OF COUNSEL; DIRECTING THE  
CLERK TO TERMINATE ATTORNEY  
HAYDEN; DISCHARGING ATTORNEY  
HAYDEN'S OBLIGATION TO SERVE  
PLAINTIFF; REQUIRING ATTORNEY  
HANAGAN TO SERVE A COPY OF  
THIS ORDER ON PLAINTIFF;  
REQUIRING A STATUS UPDATE  
REGARDING THE MOTION FOR  
DEFAULT; AND EXTENDING  
PLAINTIFF'S TIME TO SERVE  
DEFENDANT UNDER RULE 4(m)**

(Docs. 15, 18, 19)

The Court is in receipt of the Notice of Appearance by Michael John Hanagan on behalf of Plaintiff Carl Bently Marion III. (Doc. 19). In light of the Notice, in which Attorney Hanagan represents that he wishes to substitute in for Attorney Michael R. Hayden, pursuant to Eastern District of California Local Rules 182(b) and (d), the Clerk of the Court is DIRECTED to terminate Attorney Hayden as counsel for Plaintiff.

In light of this substitution of counsel, Attorney Hayden's obligation to serve Plaintiff with a notice of the Court's prior order denying Attorney Hayden's request to withdraw as counsel, (*see*

1 Docs. 15, 18), is DISCHARGED. Instead, Attorney Hanagan is ORDERED to file on the docket  
2 proof of service of this order on Plaintiff by no later than December 17, 2025.

3 The Court is also in receipt of Plaintiff's Motion for Default Judgment. (Doc. 17). The Court  
4 makes the following observations: (1) while there was an indication of summons prior to the Court's  
5 completion of the mandatory screening process, there is no indication on the docket that Defendant  
6 Laura Merritt was served upon completion of the screening process, (*see* Doc. 13); and (2) Plaintiff  
7 did not request, nor has there been entered, a clerk's entry of default. In light of the foregoing and  
8 Plaintiff's new representation, the Court ORDERS Plaintiff to, within seven (7) days, either (1) file  
9 a status update indicating that he wishes to proceed with the motion for default; or (2) withdraw the  
10 motion for default.

11 Finally, in light of the substitution of counsel, which the Court finds provides good cause,  
12 the Court *sua sponte* EXTENDS the time limit for service under Federal Rule of Civil Procedure  
13 4(m) from September 3, 2025 to March 3, 2026. The Court advises Plaintiff that, absent a further  
14 finding of good cause. this Court will recommend dismissal of this action pursuant to Rule 4(m) if  
15 Defendant is not served by March 3, 2026.

16  
17 IT IS SO ORDERED.

18 Dated: December 15, 2025

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE